

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/21/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1+ have been considered but are moot in view of the new ground(s) of rejection.

3. While new grounds of rejection are being made, Examiner feels it necessary to respond to certain of Applicant's arguments. Applicant states on pages 10-11 that the combination of references does not disclose "a display configured to continuously display the related information last received such that the displayed related information corresponds to the song currently being played until another song is played and the related information is updated." Examiner respectfully disagrees. Wu discloses in [0037] that the related information is sent to the subscriber as an email. A user terminal, known in the art to be capable of continuously displayed a received email, receives this email and displays it. When a new song is played, new information is requested (automatically – see Paul), received, and displayed. Therefore, when

opened by user, the emails will be continuously displayed until another song is played and the related information is updated by the new request and response.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 29 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 29 sets forth a "computer readable recording medium." However, the specification as originally filed does not explicitly define the computer readable recording medium stating that it is "magnetic recording device, optical disc, magneto-optical recording medium, semiconductor memory, and the like" ([0233] of the PG PUB). The specification also states in [0347] that the computer readable recording medium "may be" a number of different forms. Lacking an explicit disclosure in the specification that the claimed computer readable recording medium comprises only statutory matter, the United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. *See In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable recording media (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary

meaning of computer readable media, particularly when the specification is absent an explicit definition or is silent. *See MPEP 2111.01*. When the broadest reasonable interpretation of a claim covers a signal *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. *See In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101*, Aug. 24, 2009; p. 2

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al., US Pub No. 2002/0174436, in view of Carver et al., US Pub No. 2004/0015986, in view of Paul et al., US Pub No 2003/0172108 in view of Matsumoto, US Pub No. 2002/0188461, in view of Kuno et al., US Patent No. 6,378,031, and further in view of Harada et al., US Pub No. 2002/0120927.

**As to claim 1 Wu et al. disclose:**

an information processing apparatus comprising: a transmitter configured to transmit request information, the request information requesting related information

related to a song currently being played in a broadcast program being received ([0027]; [0037] – consumers transmit to server 15 a request for information related to content heard on TV) and including at least one of a song title of the song or an artist name of the artist of the song ([0037] – artist and title are returned as responses to demand stimulus);

a receiver configured to receive the related information corresponding to the request information, the related information including the song title and the artist name, and an identification code indicative of a right to receive a particular service upon purchase of a content, as a response to the transmitted request, wherein the particular service is related to the broadcast program being received ([0037]; [0050] – a subscriber receives related information, including song title and artist name, and an electronic coupon via email. Since the coupon is electronic, it is an identification code, and coupons contain a right to receive a service upon purchase of content);

a memory configured to store the related information and the identification code which has been received ([0058]; Fig. 8 – the consumer system is a personal computer or set top box which receives emails, known in the art to contain memory to store the email);

a display configured to continuously display the related information last received such that the displayed related information corresponds to the song currently being played until another song is played and the related information is updated ([0058]; Fig. 8 – the consumer system is a personal computer or set top box which receives emails, known in the art to contain a display to continuously display the contents of the email).

When a new song is played, new information is requested, received, and displayed. Therefore, when opened by user, the emails will be continuously displayed until another song is played and the related information is updated by the new request and response.).

Wu fails to disclose that the identification code is associated with a predetermined total time period of the broadcast program during which a plurality of songs are played, including the song currently being played, such that the identification code is the same for the related information received for all songs played during the broadcast program.

However, in an analogous art, Carver discloses an opportunity to purchase a soundtrack that is associated with a movie (a predetermined total time period of a program during which a plurality of songs are played) such that the purchasing opportunity is the same for the entirety of the program ([0086]).

It would have been obvious to a skilled artisan at the time of the invention to modify the system of Wu with the teachings of Carver by enabling the purchase of a movie soundtrack during the broadcast of a movie. In this combined system, as the entire movie is an advertisement for the movie soundtrack, the coupon and purchase opportunity of Wu ([0014]; [0051]) would be sent for the soundtrack. The rationale for this modification would have been to use a broadcast program itself as an advertisement for the movie soundtrack, thereby increasing revenue.

The combined system of Wu and Carver fails to disclose that the request information is transmitted continuously at a particular interval.

However, in an analogous art, Paul et al. disclose continuously transmitting additional data requests at a particular interval (Paragraph 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Wu and Carver with the teachings of Paul et al. by continuously transmitting additional data requests. The rationale for this modification would have been to continually request and receive updated information from the server.

The combined system of Wu, Carver and Paul fails to disclose that the related information includes an album number corresponding to the song.

However, in an analogous art, Matsumoto discloses related information including an album number corresponding to a song ([0062]-[0063]; [0124]; [0217]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver and Paul with the teachings of Matsumoto, the rationale being to simplify the purchase of the music.

The combined system of Wu, Carver, Paul, and Matsumoto fails to disclose that the identification code includes an issuer of the identification code, a purpose of the identification code, a location at which the identification code can be used to receive the particular service, an expiration date of the identification code and a code identifier corresponding to the identification code.

However, Examiner takes official notice of the fact that all of these features were well known and widely used features of coupons at the time the invention was made. For example, coupons, whether electronic or paper, usually have all of this information

so that users can know when, where, and how the coupon can be used. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver, Paul, and Matsumoto by including these features, the rationale being to enable users to know when and how to utilize the coupon.

The combined system of Wu, Carver, Paul, and Matsumoto fails to disclose storing time information indicating when the related information and the identification code were stored.

However, in an analogous art, Kuno discloses a set top box storing time information indicating when a file was stored (col. 9 lines 47-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver, Paul, and Matsumoto with the teachings of Kuno, the rationale being to create a robust file system within the set top box.

The combined system of Wu, Carver, Paul, Matsumoto, and Kuno fails to disclose that the related information and identification code have stored a memory location identifying a location at which the song corresponding to both the related information and the identification code is stored.

However, in an analogous art, Harada discloses additional information which contains a pointer (memory location) to the content to which it refers ([0074]; Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver, Paul, Matsumoto, and Kuno

with the teachings of Harada, the rationale being to ensure that received additional information and identification codes are properly associated with the correct content.

**As to claims 25 and 29** see similar rejection of claim 1. The method of claim 25 and the program of claim 29 correspond to the apparatus of claim 1. Therefore claims 25 and 29 have been analyzed and rejected.

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, Carver, Paul, Matsumoto, Kuno, and Harada as applied to claim 1 above, and further in view of Maritzen et al., US Pub No 2002/0026419.

**As to claim 2** the combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada fail to disclose the information processing apparatus according to claim 1, wherein the transmitter is configured to transmit the identification code together with purchase request information requesting purchase of a content, and the receiver is configured to receive content data corresponding to the purchase request information, as well as additional data corresponding to the identification code.

However, in an analogous art, Maritzen et al. disclose a system where television viewers can utilize a digital coupon to receive a discount on purchases, and that these coupons are "clipped" after a purchase (Paragraph 61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada with the teachings of Maritzen by transmitting coupons with purchase requests

and subsequently receiving the purchased content as well as a clipped coupon (i.e. additional data corresponding to the identification code). The rationale for this modification would have been to enable viewers to instantly purchase items, receive a discount on those items, and to enable servers to "clip" the coupons for limited use during subsequent transactions.

**As to claim 3** the combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada disclose the information processing apparatus according to claim 1, wherein the transmitter is configured to transmit user identification information to identify a user (Wu Fig. 6: 93).

The combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada fails to disclose transmitting purchase request information requesting purchase of a content and the identification code. However, in an analogous art, Maritzen et al. disclose a system where television viewers can utilize a digital coupon to receive a discount on purchases, and that these coupons are "clipped" after a purchase (Paragraph 61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada with the teachings of Maritzen by transmitting coupons with purchase requests and subsequently receiving the purchased content as well as a clipped coupon (i.e. additional data corresponding to the identification code). The rationale for this modification would have been to enable viewers to instantly purchase items, receive a discount on those items, and to enable servers to "clip" the coupons for limited use during subsequent transactions.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, Carver, Paul, Matsumoto, Kuno, and Harada, as applied to claim 1 above, and further in view of Leonard et al., US Pub No 2002/0046109.

**As to claim 4** the combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada fails to disclose the information processing apparatus according to claim 1, wherein the receiver is configured to receive plural identification codes each being the identification code, and the transmitter is configured to transmit purchase request information requesting purchase of a content, and the plural identification codes.

However, in an analogous art, Leonard et al. disclose applying a plurality of e-coupons to a single purchase (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada with the teachings of Leonard et al. by receiving plural coupons from the server and transmitting these plural coupons with a purchase request. The rationale for this modification would have been to enable subscribers to benefit from larger discounts on purchases.

**As to claim 5** the combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada and Leonard disclose the information processing apparatus according to claim 4, wherein the plural identification codes transmitted by the transmitter are those that can be used for a purpose of purchase indicated by the purchase request information, among the plural identification codes received by the receiver (Leonard Abstract).

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, Carver, Paul, Matsumoto, Kuno, and Harada, as applied to claim 1 above, and further in view of Maritzen et al., US Pub No 2002/0026419 in view of Giuliani et al., US Patent No 5,974,399.

**As to claim 6** the combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada fails to disclose that, in response to an instruction to purchase the arbitrary content, the transmitter is configured to transmit the identification code indicative of a right to receive a particular service together with purchase request information requesting purchase of the arbitrary content, and the receiver is configured to receive content data corresponding to the purchase request information.

However, in an analogous art, Maritzen et al. disclose a system where television viewers can utilize a digital coupon to receive a discount on purchases, and that these coupons are "clipped" after a purchase (Paragraph 61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver, Paul, Matsumoto, Kuno, and Harada with the teachings of Maritzen by transmitting coupons with purchase requests and subsequently receiving the purchased content as well as a clipped coupon (i.e. additional data corresponding to the identification code). The rationale for this modification would have been to enable viewers to instantly purchase items, receive a discount on those items, and to enable servers to "clip" the coupons for limited use during subsequent transactions.

The combined system of Wu, Carver, Paul, Matsumoto, Kuno, Harada and Maritzen fail to disclose that the receiver is configured to receive a second identification code indicative of a right to allow the user to receive a particular service when the user further purchases a content.

However, in an analogous art, Giuliani et al. disclose that receiving a coupon upon purchasing a particular item was known in the art at the time of the invention (col. 1 lines 29-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver, Paul, Matsumoto, Kuno, Harada and Maritzen with the teachings of Giuliani et al. by supplying a subscriber with a second coupon upon purchase of an item. The rationale for this modification would have been to entice a subscriber to make further purchases, possibly of related items.

**As to claim 7** the combined system of Wu, Carver, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani disclose the information processing apparatus according to claim 6, wherein the receiver is configured to receive the content data, the second identification code, and additional data corresponding to the first identification code (Maritzen Paragraph 61 discloses a system where television viewers can utilize a digital coupon to receive a discount on purchases, and that these coupons are "clipped" after a purchase); receiving a second identification code (Giuliani et al. col. 1 lines 29-35).

**As to claim 8** the combined system of Wu, Carver, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani disclose the information processing apparatus according to claim 6, wherein the transmitter is configured to transmit user identification

information to identify the user. (Wu Fig. 6: 93); the transmitter is configured to transmit the purchase request information and the first identification code (Maritzen Paragraph 61 – coupons are used to purchase content, thus coupons and purchase requests are transmitted).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, Carver, Paul, Matsumoto, Kuno, Harada, Maritzen, and Giuliani, as applied to claim 6 above, and further in view of Leonard et al., US Pub No 2002/0046109.

**As to claim 9** the combined system of Wu, Carver, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani disclose the information processing apparatus according to claim 6, wherein the transmitter is configured to transmit the first identification codes, and the receiver is configured to receive the content data, the second identification code, and additional data corresponding to the first identification code (Maritzen Paragraph 61; Giuliani col. 1 lines 29-35).

The combined system of Wu, Carver, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani fail to disclose a plurality of identification codes.

However, in an analogous art, Leonard et al. disclose applying a plurality of e-coupons to a single purchase (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Carver, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani with the teachings of Leonard et al. by receiving plural coupons from the server, transmitting these plural coupons with a purchase request,

and clipping these plural coupons. The rationale for this modification would have been to enable subscribers to benefit from larger discounts on purchases.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ROBERT HANCE  
Examiner  
Art Unit 2421

/ROBERT HANCE/

Application/Control Number: 10/564,058

Art Unit: 2421

Examiner, Art Unit 2421

Page 16